



AE [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lisa S. Martin, Tracy A. Masson, Matthew S. Snyder, Philip F. Mallory
Assignee: Dell Products L.P.
Title: Inventory and Order Management Tool
Serial No.: 09/773,102 Filing Date: January 31, 2001
Examiner: Lynda C. Jasmin Group Art Unit: 3627
Docket No.: DC-02830 Customer No. 33438

Austin, Texas
December 8, 2005

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal and Pre-Appeal Request for Review filed in this case on September 14, 2005. A check is enclosed which includes the \$500.00 fee for this Appeal Brief. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account. No. 502264.

A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on November 8, 2005 resetting the time period for filing an Appeal Brief to December 8, 2005.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P., as named in the caption above and as evidenced by the assignment set forth at Reel 011536, Frame 0958.

12/12/2005 ZJUHA1 00000069 09773102
01 FC:1402 500.00 OP

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1, 3, 5 – 9, 11 – 15, 17 – 18 are pending in the application. Claims 1, 3, 5 – 9, 11 – 15, 17 – 18 stand rejected. The rejection of claims 1, 3, 5 – 9, 11 – 15, 17 – 18 is appealed. Appendix “A” contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

The present invention, as set forth by independent claim 1, relates to a method for a manufacturer to order material (See e.g., Application, page 4, lines 23 – 29.). The method includes considering a quantity of a material available from a plurality of suppliers via a computer system 232, considering a quantity of a material available from a plurality of supplier logistics centers via a computer system 230, identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering 208, and sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order 216. The material is not ordered until a manufacturer realizes a demand. (See e.g., Application, page 4, lines 2 – 5.) The manufacturer realizes the demand for the material after orders are received from customers 204. Fulfilling the orders requires assembling the products (e.g., computer system 930) and assembling the products requires the material.

The present invention, as set forth by independent claim 7, relates to a method of assembling a computer system (e.g., computer system 930). The method includes considering a quantity of a material available from a plurality of suppliers via a computer system 232, considering a quantity of a material available from a plurality of supplier logistics centers via a

computer system 232 (See e.g., Application page 4, lines 23 – 24), identifying a supplier or a supplier logistics center to receive an order for the material 208, ordering the material from the supplier or supplier logistics center identified to receive the order 216, and assembling the computer system at an assembly facility (e.g., 118, 120, 122, 124) from the material.

The present invention, as set forth by independent claim 13, relates to a method of manufacturing a computer system (e.g., computer system 930). The method includes considering a quantity of material available from a plurality of suppliers via a computer system 232, considering a quantity of a material available from a plurality of supplier logistics centers via a computer system 232, identifying a supplier to receive an order for the material based upon the considering 208, sending electronically an order for material to the supplier or supplier logistics center identified to receive the order 216, and manufacturing the computer system at a manufacturing facility (e.g., 118, 120, 122, 124) using the material received at the manufacturing facility.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1, 3, 5 – 9, 11 – 15, 17 – 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Aram, U.S. Publication Number 2002/0072986 (Aram) in view of Goss, U.S. Patent No. 6,236,901 B1 (Goss).

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Claims 1, 3, 5 – 9, 11 – 15, 17 – 18 are allowable over Aram and view of Goss

The present invention generally relates to a method for a manufacturer to order material. More specifically, in some embodiments, the invention relates to a method for a manufacturer to order material in which the material is not ordered until the manufacturer realizes a demand based upon orders received from customers. In other embodiments, the invention relates to a method for a manufacturer to order material in which the material from suppliers and supply logistics centers are considered when ordering the material to manufacture a computer system.

Aram discloses a system for the acquisition, supply and management of goods and parts for goods. The system includes a database for storing parts-related data. The database includes a first table which includes a part identifier and a corresponding indication of a level of stock of the identified part held by a supplier, and a second table which includes the part identifier and a corresponding indication of at least one order for the identified part from a customer. The system includes a first interface application for accessing the first table to make an offer to supply the identified part to the requester; an order receiving application for receiving an order to supply the identified part to the requester in response to the offer, and for storing the order in the data store; and a second interface application to co-operate with the communication means to provide access for the supplier to the second table.

Aram thus discloses ordering items by a customer from an intermediary, where the intermediary may be a manufacturer or a distributor. Parts for the items are supplied to the intermediary by a supplier. Aram provides two way information flow in which a supplier has access to order information and in which a manufacturer or a distributor has access to information relating to the supplier's stock.

The Examiner sets forth:

Aram fails to disclose that the material is not ordered until a manufacturer realizes a demand, and a manufacturer realizes the demand for the material after orders are received from customers fulfilling the orders requires assembling the products and assembling the products requires the material. (Final Office action dated May, 19, 2005, page 3.)

The Examiner further sets forth:

From the teaching of Goss, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify [sic.] the method of ordering goods from a distributor in Aram to include the fulfilling and assembling of product manufacturing from specific order as taught by Goss to facilitate production of materials without keeping a large inventory at a processing factory. (Final Office action dated May 19, 2005, pages 3, 4.)

Goss discloses a build to order product assembly environment in which responsive to orders received, kit trays are prepared that each hold the components needed to build an ordered product. The kit tray is transferred to a work cell where a team builds the product. The product is then tested and repaired, with information regarding any problems provided to the responsible

work cell. Thus, within Goss, it is assumed that the components needed to prepare the kit trays are already present within the manufacturing facility. There is no discussion within Goss of how the components arrive at the manufacturing facility.

Accordingly, Goss provides no disclosure or suggestion of a method for a manufacturer to order material and specifically does not disclose or suggest material not being ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material.

Thus, Aram and Goss, taken alone or in combination, do not disclose or suggest a method which includes sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order much less such a method where the material is not ordered *until* a manufacturer realizes a demand where the manufacturer realizes the demand for the material *after orders are received from customers* and where fulfilling the orders requires assembling the products and assembling the products requires the material, all as required by claim 1.

More specifically, Aram, and Goss, taken alone or in combination do not teach or suggest a method for a manufacturer to order material where the method includes considering a quantity of a material available from a plurality of suppliers via a computer system, considering a quantity of a material available from a plurality of supplier logistics centers via a computer system, identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering, and sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order and wherein *the material is not ordered until a manufacturer realizes a demand wherein the manufacturer realizes the demand for the material after orders are received from customers* wherein fulfilling the orders requires assembling products and assembling the products requires the material, all as required by amended independent claim 1. Accordingly, claim 1 is allowable over Aram and Goss. Claims 3 – 6 depend from claim 1 and are allowable for at least this reason.

Additionally, Aram and Goss, taken alone or in combination, do not disclose or suggest identifying a supplier or supplier logistics center to receive an order for *a material based upon*

considering a quantity of a material available, much less ordering *the material* from the supplier or supplier logistic center identified to receive the order and assembling the computer system at an assembly facility from *the material* received at the assembly facility, as required by claim 7 and as generally required by claims 13 and 19.

Additionally, Aram and Goss Peterson, taken alone or in combination do not teach or suggest a method of assembling a computer system wherein the method includes considering a quantity of a material available from a plurality of suppliers via a computer system, *considering a quantity of a material available from a plurality of supplier logistics centers* via a computer system, identifying *a supplier or a supplier logistics center* to receive an order for the material, ordering the material from *the supplier or supplier logistics center* identified to receive the order, and assembling the computer system at an assembly facility *from* the material received at the assembly facility, all as required by independent claim 7. Accordingly, claim 7 is allowable over Aram and Goss. Claims 8 – 12 depend from claim 7 and are allowable for at least this reason.

Additionally, Aram and Goss, taken alone or in combination do not teach or suggest a method of manufacturing a computer system where the method includes considering a quantity of material available from a plurality of suppliers via a computer system, considering a quantity of a material available from *a plurality of supplier logistics centers* via a computer system, identifying a supplier to receive an order for the material based upon the considering, sending electronically an order for material to *the supplier or supplier logistics center identified to receive the order*, and manufacturing the computer system at a manufacturing facility using the material received at the manufacturing facility, all as required by independent claim 13. Accordingly, claim 13 is allowable over Aram and Goss. Claims 14 – 18 depend from claim 13 and are allowable for at least this reason.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None


X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

None

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that ... Accordingly, Applicant respectfully submits that rejection of pending Claims 1, 3, 5 – 9, 11 – 15, 17 – 18 is unfounded, and requests that the rejection of claims 1, 3, 5 – 9, 11 – 15, 17 – 18 be reversed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2005.

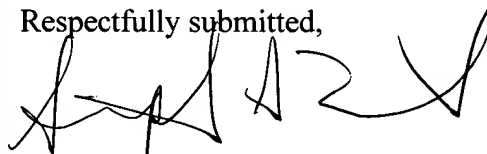


Attorney for Applicant

12/8/05

Date of Signature

Respectfully submitted,



Stephen A. Terrile
Attorney for Applicant
Reg. No. 32,946

CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

1. A method for a manufacturer to order material, comprising:
considering a quantity of a material available from a plurality of suppliers via a computer system;
considering a quantity of a material available from a plurality of supplier logistics centers via a computer system;
identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering; and
sending electronically an order for the material to the supplier or supplier logistics center identified to receive the order
wherein the material is not ordered until a the manufacturer realizes a demand, wherein a the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling the products, and assembling the products requires the material.
2. (Cancelled)
3. The method as recited in claim 1, wherein when the order for the material is sent electronically to a supplier logistics center, the supplier logistics center previously received the material from a supplier.
4. The method as recited in claim 3, wherein the manufacturer takes title to the material after the material is shipped by the supplier.
5. The method as recited in claim 1, wherein the order requires delivery of the material within a specified period of time.
6. The method as recited in claim 5, wherein the specified period of time is less than one day.

7. A method of assembling a computer system, comprising:
considering a quantity of material available from a plurality of suppliers via a computer system;
considering a quantity of a material available from a plurality of supplier logistics centers via a computer system;
identifying a supplier or a supplier logistics center to receive an order for material based upon the considering;
ordering material from the supplier or supplier logistics center identified to receive the order; and
assembling the computer system at an assembly facility from the material.

8. The method as recited in claim 7, wherein the material is ordered after a manufacturer realizes a demand, wherein a the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling the computer system, and, assembling the computer system requires the material.

9. The method as recited in claim 7, wherein when the material is ordered from a the supplier logistic center, the supplier logistics center previously received the material from a supplier.

10. The method as recited in claim 7, wherein the manufacturer takes ownership of the material after the material is shipped by the supplier.

11. The method as recited in claim 7, wherein the order specifies delivery of the material within a specified period of time.

12. The method as recited in claim 11, wherein the specified period of time is less than one day.

13. A method of manufacturing a computer system, comprising:
considering a quantity of material available from a plurality of suppliers via a computer system;
considering a quantity of a material available from a plurality of supplier logistics centers via a computer system;
identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering;
sending electronically an order for the material to the supplier or supplier logistics center identified to receive the order; and
manufacturing the computer system at a manufacturing facility using the material received at the manufacturing facility.

14. The method as recited in claim 13, wherein the material is ordered after a demand is realized by a manufacturer, wherein the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling the products, assembling the products requires the material.

15. The method as recited in claim 13, wherein when the material is shipped from a the supplier logistics center, wherein the supplier logistics center previously received the material from a supplier.

16. The method as recited in claim 13, wherein the manufacturer takes title to the material after the material is shipped by the supplier.

17. The method as recited in claim 13, wherein the order requires delivery of the material within a specified period of time.

18. The method as recited in claim 17, wherein the specified period of time is 1 day.

19 – 25. (Cancelled)

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.